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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Paul Jeffrey Garnett

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AUSTIN, TX 78767

EXAMINER

EASTMAN, AARON ROBERT

ART UNIT

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4147

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12/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/809,138	Applicant(s) GARNETT, PAUL JEFFREY	
	Examiner AARON R. EASTMAN	Art Unit 4147	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 12, 15, 17, 18, 20 and 22-28 is/are rejected.
- 7) ☒ Claim(s) 10, 13, 14, 16, 19 and 21 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>07/30/2004 & 08/09/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

Figure 2 of Litvin et al.

3. In re claim 1, Litvin et al. discloses a grill (52) configured to be mounted on a surface of a fan or fan housing, the grill comprising a substantially planar portion, and a handle (see Figure 2 of Litvin et al.) extending out of the planar portion so as to extend away from the surface of the fan or fan housing when the grill (52) is mounted thereon.

4. In re claim 2, Litvin et al. discloses the grill (52) of Claim 1, wherein said substantially planar portion comprises a plurality of apertures (see Figure 2 of Litvin et al.).

5. In re claim 3, Litvin et al. discloses the grill (52) of Claim 2, wherein at least some of said plurality of apertures (see Figure 2 of Litvin et al.) are arranged in a grid.

6. In re claim 4, Litvin et al. discloses the grill (52) of Claim 1, wherein said planar portion comprises at least one shaped wire (54) arranged to form a loop or partial loop (54).

7. In re claim 5, Litvin et al. discloses the grill (52) of Claim 4, wherein said planar portion comprises a plurality of said loops or partial loops (54).

8. In re claim 6, Litvin et al. discloses the grill (52) of Claim 5, wherein said planar portion comprises at least one strut (55), each strut attached to at least one of said loops or partial loops (54) in at least one place.

9. In re claim 7, Litvin et al. discloses the grill (52) of Claim 1, wherein said planar portion comprises an opening capable of receiving the handle of a second grill.

10. In re claim 8, Litvin et al. discloses the grill (52) of Claim 1, wherein the handle (see Figure 2 of Litvin et al.) comprises a first piece of wire extending in a loop or partial loop away from said planar portion.

11. In re claim 11, Litvin et al. discloses the grill (52) of Claim 1, further comprising one or more mounting formations (79) for mounting the grill on a fan or fan housing.

12. In re claim 17, Litvin et al. discloses a grill (52) according to Claim 1, wherein the grill (52) comprises:

a section of wire shaped to form at least one loop or partial loop (54) arranged in a common plane, including an outermost loop or partial loop;

a section of wire shaped to provide support for each loop or partial loop (55);

a first section of wire shaped to form a handle portion (see Figure 2 of Litvin et al.); and

at least one mount (79).

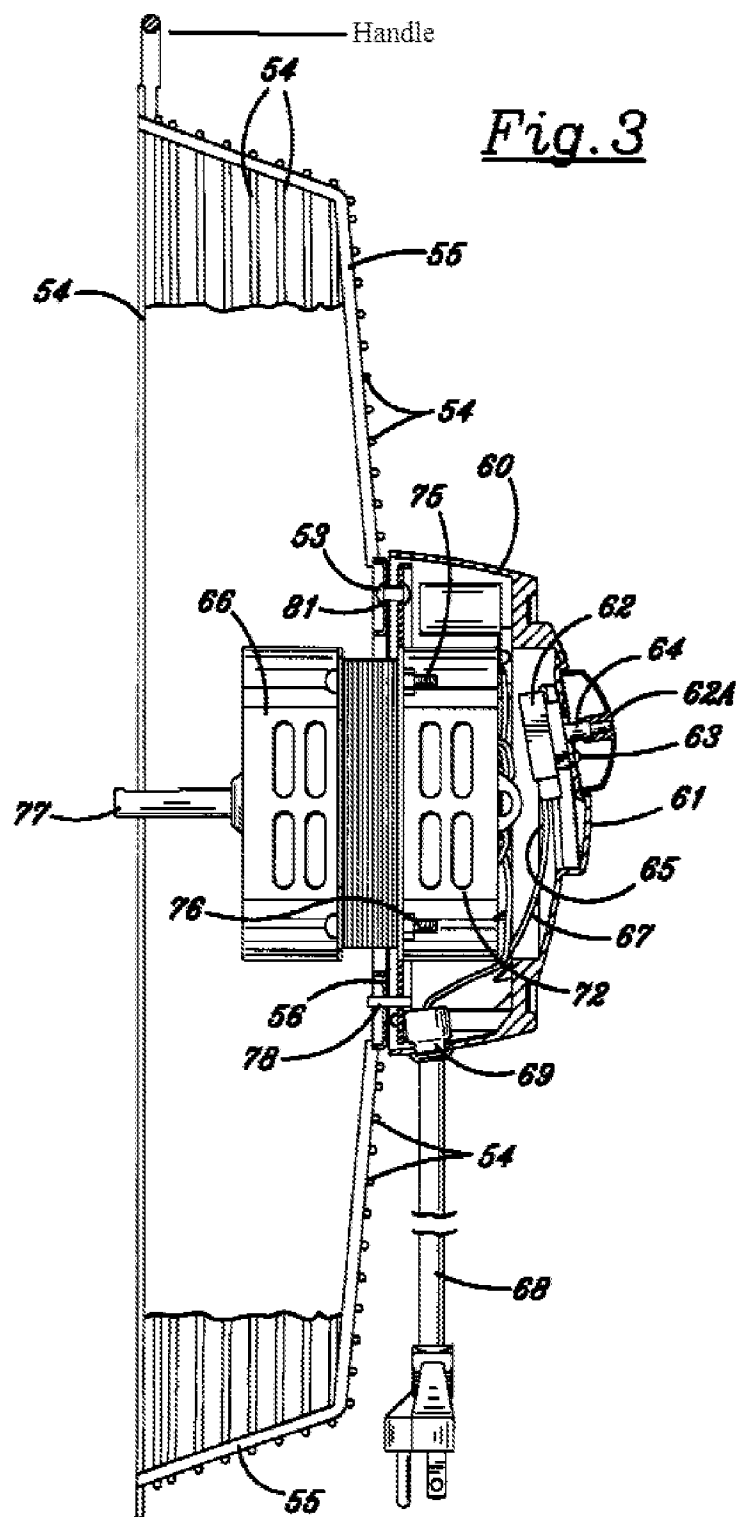


Figure 3 of Litvin et al.

13. In re claim 18, Litvin et al. discloses the grill (52) of Claim 17, wherein the section of wire forming the handle portion extends away from said common plane (see Fig. 3 of Litvin et al.), and wherein either end of that section wire is attached to said outermost loop (54).

14. In re claim 23, Litvin et al. discloses the grill (52) of Claim 17, comprising further sections of wire shaped to form further loops or partial loops (54) arranged in said common plane.

15. In re claim 24, Litvin et al. discloses the grill (52) of Claim 17, comprising further sections of wire (55) arranged to provide further support for the at least one loop or partial loop.

16. In re claim 25, Litvin et al. discloses the grill (52) of Claim 24, wherein two of the sections of wire arranged to provide support (55) for the at least one loop or partial loop (54) define an aperture (see Figure 2 of Litvin et al.) in said fan grill (52), the aperture being capable of receiving the handle of a second, similar fan grill (52).

17. In re claim 26, Litvin et al. discloses an assembly comprising a plurality of grills each grill comprising:
a section of wire shaped to form at least one loop or partial loop (54) arranged in a common plane, including an outermost to or partial loop (54);

a plurality of sections of wire arranged to provide support (55) for each loop or partial loop (54);

a first section of wire shaped to form a handle portion (see Figure 2 of Litvin et al.); and
at least one mount (79), wherein two of the sections of wire arranged to provide support (55) for each loop or partial loop (54) define an aperture in the grill, the aperture being capable of receiving the handle of a second, similar grill (52), the plurality of grills being arranged such that the handle of a first grill of said plurality extends through the aperture of a second grill.

18. In re claim 27, Litvin et al. discloses a fan assembly (50) comprising a housing having an aperture, a fan (not shown) mounted within the housing adjacent the aperture (see Figure 2 of Litvin et al.) and a grill (52) mounted over the aperture the grill (52) comprising a substantially planar portion and a handle (see Figure 2 of Litvin et al.) extending out of the planar portion and away from the fan housing

19. In re claim 28, Litvin et al. inherently discloses a method for a covering for an opening in a surface of an enclosure, the other half or rear grill (not shown), that houses a fan (not shown), the method comprising:
providing a grill (52) that includes a substantially planar portion and a handle (see Figure 2 of Litvin et al.) extending out of the planar portion so as to extend away from the surface of the enclosure when the grill (52) is mounted thereon; and mounting the grill (52) on the surface

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 12, 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Litvin et al. in view of US Patent Number 5,822,186 (Bull et al. hereinafter).

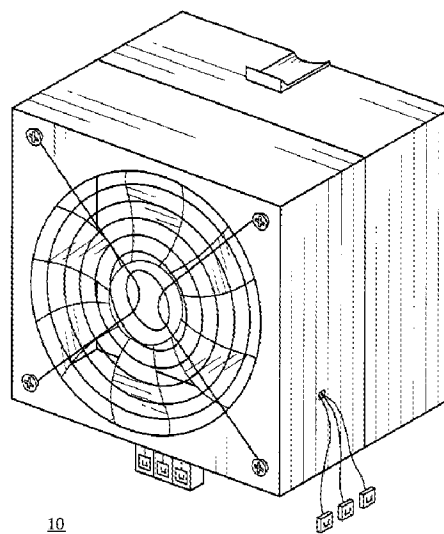


FIG. 1

Figure 1 of Bull et al.



23. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine at least one mounting formation (see Fig. 2 of Bull et

al.) comprising shaped wire extending away from said planar portion and arranged to form a loop or partial loop with the grill (52) taught in claim 1 as disclosed by Litvin et al. for the purpose of mounting the grill (52) to the fan housing.

24. In re claim 15, Litvin et al. discloses all the limitations of claim 15 except at least one mounting formation for mounting the grill on a fan or fan housing, and wherein at least one mounting formation and strut are integrally formed from a piece of shaped wire. Bull et al. teaches at least one mounting formation for mounting the grill on a fan or fan housing wherein at least one mounting formation and strut are integrally formed from a piece of shaped wire (see Fig. 1 and Fig. 2 of Bull et al.) for the purpose of reducing the number of manufacturing steps and therefore cost.

25. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine at least one mounting formation for mounting the grill on a fan or fan housing wherein at least one mounting formation and strut are integrally formed from a piece of shaped wire with the grill taught in claim 6 as disclosed by Litvin et al. for the purpose of reducing the number of manufacturing steps and therefore cost.

26. In re claim 22, Litvin et al. discloses all the limitations of claim 22 except a support and a mount that are formed from a common section of wire. Bull et al. discloses a support and a mount formed from a common section of wire (see Fig. 1 and Fig. 2 of Bull et al.).

27. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine a support and a mount formed from a common section of wire with the grill taught in claim 17 as disclosed by Litvin et al. for the purpose of reducing the number of manufacturing steps and therefore cost.

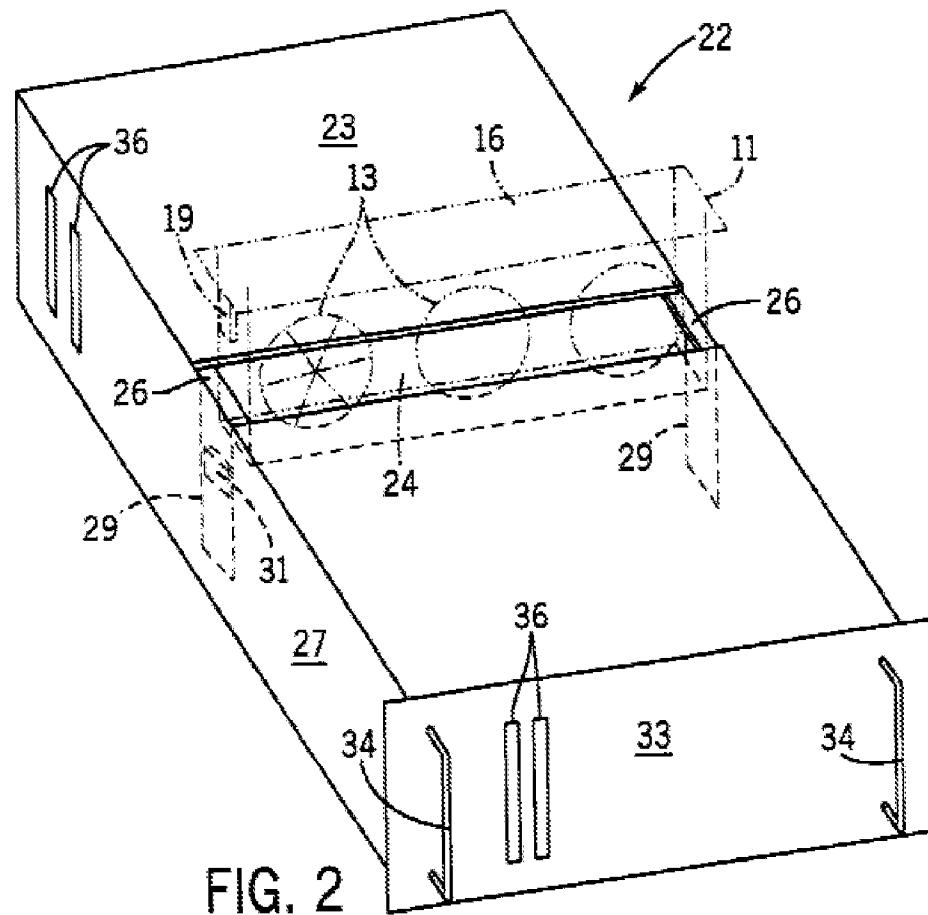


Figure 2 of Fritschle et al.

28. Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Litvin et al. in view of US Patent Number 6,288,897 (Fritschle et al. hereinafter).

29. In re claim 9, Litvin et al. discloses all of the limitations of claim 9 except a handle comprising at least one additional piece of wire, each additional piece of wire being shaped such that it is substantially parallel to said first piece of wire over the length of that additional piece of wire. Fritschle et al. teaches a handle comprising an additional piece of wire (34) being shaped such that it is substantially parallel to said first piece of wire over the length of that additional piece of wire (see Fig. 2 of Fritschle et al.).

30. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine a handle comprising at least one additional piece of wire (34), each additional piece of wire being shaped such that it is substantially parallel to said first piece of wire over the length of that additional piece of wire with the grill taught in claim 8 as disclosed by Litvin et al. for the purpose of making the assembled unit easier to carry.

31. In re claim 20, Litvin et al. discloses all the limitations of claim 20 except a handle portion comprising at least one additional section of wire. Fritschle discloses a handle portion with an additional section of wire (34).

32. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine a handle portion comprising at least one additional section of wire with the grill taught in claim 17 as taught by Litvin et al. for the purpose of making the assembled unit easier to carry.

Allowable Subject Matter

33. Claims 10, 13, 14, 16, 19 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

34. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent Number D441,444 discloses a fan grill with a handle and a plurality of apertures. US Patent Number D466,606 discloses a fan grill with a handle, a plurality of apertures and a plurality of loops. US Patent Number 6,336,793 discloses a fan grill with a handle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON R. EASTMAN whose telephone number is (571)270-3132. The examiner can normally be reached on Mon-Fri 9:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Nguyen can be reached on 571-272-4491. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aaron R. Eastman
Examiner
Art Unit 4147

/George Nguyen/
Supervisory Patent Examiner, Art Unit 4147